

Remarks

Claims 1-21 are pending. Claims 1-7 and 9-21 were rejected under 35 USC 102(b) as being anticipated by Holmquist et al. (US Patent No. 5,602,846).

In the office action, it states that Holmquist teaches corporate voice calls being directly switched through the PSTN at column 1, lines 37-63. However, within that text, which appears to be grammatically incorrect that may lead to the confusion, Holmquist states, "Consequently, when a corporate user makes a voice call, that voice call is directly switched through the PBX, *and* if an outside call, through the public switched telephone network (PSTN), to the called party." Therefore Holmquist teaches that a corporate voice call is switched through *both* the PBX and the PSTN. This is how outside calls are typically placed in most PBX-based internal phone systems.

Further, the office action states that Holmquist teaches routing a telephone call placed at a remote telephone in accordance with a defined protocol other than via a PBX while the off-hook indicator is active at column 7, line 10 to column 8, line 22. However, Holmquist teaches that all calls are placed through the PBX. As can be seen in Figure 1, the PSTN ports 105 and 110 are coupled to the PBX through lines 106 and 111. The Abstract of Holmquist states that these ports are coupled to the PBX. At column 3, lines 19-24 and 26-28, Holmquist discloses that the SVD modem places call through the PBX.

Further, within the text cited, at column 8, lines 4-8, Holmquist states, "As a result, any *dial-tone signal provided by the PBX 200* after PSTN port 105 [which is coupled to the PBX as set forth above] has gone off-hook is transmitted by SVD modem 100 to SVD modem 35. This allows user 2 to hear the *dial-tone signal provided by the PBX 200*." The off-hook indicator is merely for the port 105, but the call placed on port 110 is still through the PBX, using a PBX generated dial-tone, for example.

BEST AVAILABLE COPY

At column 8, lines 17-19, Holmquist explicitly states, "As can be observed, this method allows a remote user to gain full-access to the telecommunications facilities of PBX 200."

In summary, then, despite the use of an off-hook indicator, all calls are placed through the PBX in Holmquist. Ports 105 and 110 are PSTN ports that are coupled to the PBX from the SVD modem. All calls placed to the PSTN through the SVD modem, then, are placed through the PBX.

Therefore, Holmquist does not teach "routing a telephone call placed at a remote telephone in accordance with a defined protocol *other than via the PBX* while the off-hook indicator is active and the user is still connected to the PBX," as is required by claim 1. Claims 10, 14 and 18 contain similar limitations. It is therefore submitted that claims 1, 10, 14 and 18 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 2-7 depend from claim 1, claims 11-13 depend from claim 10, claims 15-17 depend from claim 14 and claims 19-21 depend from claim 18. These claims inherently contain all of the limitations of their respective base claims. As discussed above, the prior art does not teach, show nor suggest all of the limitations of the base claim, much less the further embodiments of the dependent claims. It must be noted that the data frame of symbols referred to in Holmquist is not a datagram 'frame' of a Frame Relay network in accordance with ITU standards. It is therefore submitted that these claims are patentably distinguishable over the prior art and allowance of these claims is requested.

Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Holmquist et al. in view of Brilla et al. (U.S. Patent No. 6,389,276).

As discussed above, Holmquist does not teach, show or suggest all the limitations of the base claim 1, from which claim 8 depends. Brilla does nothing to overcome this

BEST AVAILABLE COPY

deficiency. Therefore the combination of references does not render obvious the subject matter of claim 8. It is therefore submitted that claim 8 is patentably distinguishable over the prior art and allowance of this claim is requested.

The prior art made of record and not relied upon has been reviewed and is not considered pertinent to Applicant's disclosure. No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an additional interview would be helpful in advancing the case.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

Julie L. Reed

Julie L. Reed
Reg. No. 35,349

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison St., Suite 400
Portland, OR 97204
503-222-3613

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile number (571)-273-8300, on September 14, 2005.

Signature Lauren Ballard-Gemmell
Lauren Ballard-Gemmell